

**LINCOLN BOARD OF SELECTMEN**  
**MEETING MINUTES**  
**DECEMBER 16, 2019 – 5:30PM**  
**LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH**

**APPROVED**

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**Board of Selectmen Present:** Chairman OJ Robinson, Tamra Ham, and Jayne Ludwig  
**Staff Present:** Town Manager Burbank, Chief Ron Beard, Chief Chad Morris  
**Excused:** Jane Leslie  
**Public Present:** Roger Harrington, Andrew Noyes, and Tanya Patterson

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**I. CALL TO ORDER**

Chairman Robinson called the meeting to order at 4:32 p.m.

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**II. NONPUBLIC SESSION *Pursuant to RSA 91-A: 3:II(d) Real Estate***

**MOTION:** "To go into Non-Public Session pursuant to RSA 91-A: 3II (d) Real Estate  
**Motion:** OJ Robinson      **Second:** Tamra Ham      **Motion carries.**

The Board went into non-public session at 4:33 pm.

**MOTION:** "To re-enter public session and seal the non-public minutes until such time as transaction is complete or null and void."

**Motion:** Tamra Ham      **Second:** Jayne Ludwig      **Motion Carries.**

The Board came back into public session at 4:53 p.m.

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**III. CALL TO ORDER**

Chairman Robinson called the meeting to order at 5:30 p.m.

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**IV. REVIEW AND APPROVAL- MINUTES OF THE PREVIOUS MEETING**

**MOTION:** "To approve the Board of Selectmen meeting minutes of December 2, 2019 as amended."

**Motion:** OJ Robinson      **Second:** Jayne Ludwig      **Motion carries.**  
**Abstained:** Tamra Ham

**MOTION:** "To approve the non-public meeting minutes of December 2, 2019 as presented."

**Motion:** OJ Robinson      **Second:** Jayne Ludwig      **Motion carries.**  
**Abstained:** Tamra Ham

**MOTION:** "To approve the non-public meeting minutes of December 9, 2019 as presented."

**Motion:** OJ Robinson      **Second:** Jayne Ludwig      **Motion carries.**  
**Abstained:** Tamra Ham

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**III. PUBLIC HEARING (NO. 1) FOR PROPOSED CODE OF ETHICS POLICY**

Chairman Robinson explained that this public hearing is one (1) of two (2) required hearings that will publicly review and discuss the town's proposed Ethics Policy (*see attached*). The Board began an in-

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depth discussion on the purpose, fairness, and ethicality of the proposed code of ethics and Selectman Ham made the following motion:

**MOTION: “To open up the public hearing.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

*There was no public input or comments.*

**MOTION: “To close the public hearing.”**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**Motion carries.**

The second public hearing is scheduled for Monday, December 30, 2019.

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#### **IV. BOARD OF SELECTMEN’S BUDGET REVIEW DISCUSSION**

The Board of Selectmen continued their review of the 2020 budget and began with line item no. 13, and then agreed to go back and review line items one (1) through twelve (12) towards the end of the meeting. Selectman Ham made the following motion to reduce the Library Budget from \$132,209 by \$6,500 to \$125,709.

**MOTION: “To reduce the Library budget from \$132,209 by \$6,500 to \$125,709.”**

**Motion: Tamra Ham**

**Seconded: Jayne Ludwig**

**All in favor**

Upon completion of the budget discussion, the Board agreed to continue their review during the next Board of Selectmen’s meeting on December 30<sup>th</sup>.

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#### **V. OLD/NEW BUSINESS**

##### **Town Managers Report**

##### **Lincoln-Woodstock Senior Citizens Christmas Party**

Town Manager Burbank announced that the Senior’s Christmas Party will be held on Wednesday, December 18<sup>th</sup> from 10:30 a.m. to 1 p.m. at the Woodstock Station, and all public officials are welcome to attend.

##### **Town Hall Holiday and Office Closing**

Town Hall and affiliated offices will be closing at 12 noon on Tuesday, December 24<sup>th</sup>, and closed all day Wednesday, December 25<sup>th</sup> in observance of the Christmas Holiday. All town offices will be closing at 12 noon on Tuesday, December 31<sup>st</sup> and all-day Wednesday, January 1<sup>st</sup> in observance of the New Year’s holiday.

##### **Cemetery Building**

Town Manager Burbank has reached out to Cemetery Trustee, Peter Govoni after last week’s meeting when a question arose concerning the status of the new building being constructed at the Riverside Cemetery. Mr. Govoni explained that he was able to obtain a local contractor to do the work at a substantially lower cost to the town, and he is anxiously awaiting the completion of the building as well.

*\*It was discovered at this point in the meeting that the livestreaming audio was not working.*

### **NH Forest and Lands Service (Indian Head Water Tank)**

Town Manager Burbank received a call today from the NH Forest and Lands Service who was inquiring about a lease that the town had with the state for the Indian Head Water Tank that goes back to the 1980's. The lease expired in 1990, and Town Manager Burbank is currently working on obtaining a renewed and updated easement/lease agreement.

### **Police Department Union Negotiations**

Police Department Union negotiations are progressing well.

### **Grease Traps**

Selectman Ludwig asked about obtaining a list of grease traps in town. Burbank explained that the Department of Public Works would have this list. Chairman Robinson explained that the owners/operators of businesses in town should have the onus put on them to have their grease traps inspected and cleaned as required by Town Ordinance, and at their expense.

### **Board of Selectmen's Meeting canceled for December 23<sup>rd</sup>**

Town Manager Burbank asked the Board if they planned on meeting on December 23<sup>rd</sup> because of the Christmas holiday. Chairman Robinson said that would be fine canceling that meeting, however, the Board will meet on the following Monday, December 30<sup>th</sup>.

### **Water Rate Structure Study**

Chairman Robinson commented that he has an appointment to meet with a representative from the company, Raftelis who was selected to conduct the Water Rate Study. Town Manager Burbank added that he has been forwarding electronic information to Raftelis, however, there are numerous boxes of information that must be sifted through which may be time consuming. Burbank will confirm whether or not this meeting will still take place tomorrow in light of a lot of information that is not readily available.

### **Town Holiday Party**

Chairman Robinson commented that he felt that this year's Christmas Party was a huge success. He felt that the lack of programming (entertainment) was an asset and allowed guests to relax and co-mingle in a comfortable setting that was unscheduled (other than dinner) and promoted more visiting and discussion with others. Robinson would like to follow this format in the future, as it made for an excellent party!

### **Energy Committee**

Town Manager Burbank informed the Board that five (5) applicants have expressed an interest in participating on the Energy Committee. Selectman Ham motioned to appoint all five (5) members to the Energy Committee, with appointments renewed on an annual basis.

**MOTION: "To appoint all five (5) applicants to the Energy Committee, with appointments renewed on an annual basis following March Town Meeting."**

**Motion: Tamra Ham**

**Second: Jayne Ludwig**

**All in favor.**

The Board agreed to let the committee get organized and established, and then one (1) of the Selectmen will sit on this committee. Chairman Robinson made the following motion:

**MOTION: "To appoint Dirk Mahling, Tanya Patterson, Deb O'Connor, Bev Hall, and Cindy Lloyd to the Energy Committee."**

## Public Participation

### **Maple Street**

Roger Harrington asked if any decisions were made on busses traveling up/down Maple Street because he noticed a bus turning down Maple Street the other day. Town Manager Burbank recently spoke with Jay Scambio who noted that he is working on revamping Loon Mountains' bus routes due to a shortage of bus drivers. Andrew Noyce commented that they currently are *not* running the Maple Street route Monday through Friday, and are only operating that route on weekends and holidays (this may be subject to change in the future). Selectman Ludwig's understanding was that Loon would *not* be operating on Maple Street at all. Mr. Noyes explained that they may use Maple Street during the week if needed, but at the present time, this is not their intention. Selectman Ludwig feels that there needs to be a meeting to discuss re-routing Loon's busses on Maple Street, and the Board needs to look into working with the community with a collaborative effort. Residents should not be disrupted in their daily lives, and Ludwig proposed the drafting of a bus route or ordinance that busses must adhere to. Chairman Robinson was not certain of the town's legal jurisdiction (i.e., what type of traffic the town can restrict on town roads) and clearly understands where "speed" can become a problem (or appear to be a problem) because the busses are large and the roads are narrow. The Board of Selectmen must look at this issue in such a way that works for "everyone." Town Manager Burbank added that the town can establish bus routes, however, must do so in a non-discriminatory manner. There was a brief discussion on the town's noise ordinance and whether it relates to busses, or more in line with construction equipment. Town Manager Burbank commented that he had originally been told that Loon planned on picking up on Pollard Road *only*, but this has apparently changed. Mr. Noyes did not believe that Loon had said they were planning on changing their route, as the bus may occasionally go down Maple Street to pick up and drop off its employees.

Chairman Robinson read a paragraph in **Article V-General Regulations (pg. 14) of the Land Use Planning Ordinance (LUPO)** which stated *any use that it incurs, dust, fumes, noxious material, noise, vibration, that may disrupt the peace and enjoyment of the community is prohibited. (This was read from a hand-out Ms. Tanya Patterson provided to the Board of Selectmen at a previous meeting).* Chairman Robinson noted that one cannot just pick and choose sentences out of the LUPO without looking at the context of the wording or the ordinance in its entirety, and reminded all that a new ordinance would have to go through the Planning Board. Robinson would like to understand what influence the Planning Board or the Board of Selectmen would have with regulating private bus routes (e.g., Fed Ex, lumber deliveries etc.) as a variety of trucks and busses utilize these town roads for deliveries.

Selectman Ludwig would like the Board to obtain a legal opinion on what it would take to create a bus route(s) in the town. Robinson clarified that they are not looking to "create" a bus route but rather look at a legal opinion to see if the Selectmen (town) have the *legal* right to dictate where busses can/cannot go. Robinson would like to determine what the legal jurisdiction is to ban a specific type of vehicle from a specific type of roadway. Ludwig commented that she feels the Board does very little for the people that live here, and it is time they start.

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**IV. NONPUBLIC SESSION Pursuant to RSA 91-A: 3:II(e) Personnel Issue**

**MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3II (e) Personnel  
Motion: Tamra Ham                      Second: Jayne Ludwig                      Motion carries.**

The Board went into non-public session at 8:15 pm.

**MOTION: "To re-enter public session."**

**Motion: OJ Robinson                      Second: Jayne Ludwig                      Motion Carries.**

The Board came back into public session at 8:25 p.m.

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**V. ADJOURNMENT**

After reviewing the weekly payables and with no further business to attend to, the Board made the following motion.

**MOTION: "To adjourn."**

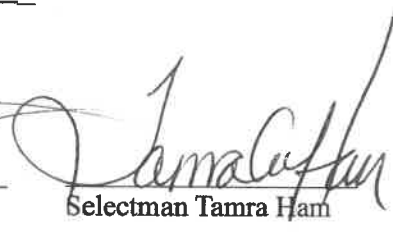
**Motion: OJ Robinson                      Second: Jayne Ludwig                      Motion Carries.**

The meeting adjourned at 8:35 p.m.

  
Respectfully Submitted,  
Jane Leslie

Approval Date 1 / <sup>13<sup>th</sup></sup> ~~06~~ / 2020

  
Chairman OJ Robinson

  
Selectman Tamra Ham

  
Selectman Jayne Ludwig



**December 16, 2019**  
**Board of Selectmen's Meeting**  
**Please PRINT Legibly**

Roger Harrington  
(Print Name)

Andrew Noyes

Janeja Pattison

Roger Harrington  
(Sign Name)

Phil H

Janeja Pattison







## Town of Lincoln, NH Code of Ethics

### **PREAMBLE**

The citizens of Lincoln are entitled to a fair, ethical and accountable town government and the effective functioning of democratic government requires that:

- All of its employees and officials, whether elected, appointed or hired comply with both the letter and the spirit of the laws;
- All of its employees and officials, whether elected, appointed or hired be independent, impartial and fair in their judgment and actions;
- Public Office be used for the public good, not for personal gains; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Lincoln Board of Selectmen has adopted a Code of Ethics for all of its employees and officials, whether elected, appointed or hired.

### **PURPOSE**

The purpose of this code is to establish guidelines for the ethical standards of conduct for employees and officials, whether elected, appointed or hired.

- We expect our public servants and volunteers to act in the best interest of the town.
- We expect employees and officials, whether elected, appointed or hired to disclose any personal financial or other interests in matters affecting the town that come before them for action.
- We expect town employees and officials, whether elected, appointed or hired to remove themselves from decision making if they have a conflict of interest.
- We expect town employees and officials, whether elected, appointed or hired to be independent, impartial, and responsible to their fellow townspeople in their actions.
- We expect that the town's official decisions and policies be made through the proper channels of government.
- We expect that public office or a volunteer position in our town not be used for personal gain. It is important that the public has confidence in the integrity of its government and that town officials, board members, volunteers and employees have an opportunity to protect their personal reputation.

This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

## **PROHIBITED ACTIVITIES**

- I. All of its employees and officials, whether elected, appointed or hired shall accept no assignment that could reasonably be construed as being in conflict with their responsibility to the Town of Lincoln, or in which there is an unrevealed personal interest or bias or which they are not qualified to perform.
  - a. All employees and officials, whether elected, appointed or hired must report in writing to their immediate supervisor or Board or Committee Chairperson those assignments in which they have a personal interest or bias. A personal interest or bias includes any current or any prospective or any contemplated interest or bias in the matter. A personal interest includes any ownership interest in property, employment, agency (such as an independent contractor), or business affected by the matter of the assignment. A personal bias includes a personal interest or a familial relationship to a person having a personal interest.
  - b. This restriction is not intended to prohibit activities in which employees or officials, whether elected, appointed or hired have a personal interest or bias. It is intended to require disclosure of a personal interest or bias.
- II. Prohibited activities shall include those activities specifically identified by state law limiting acts of public employees:

RSA 95:1	Public Officials barred from certain private dealings
RSA 640:2	Bribery in official and political matters
RSA 640:3	Improper Influence
RSA 640:4	Compensation for Past Action
RSA 640:5	Gifts to Public Servants
RSA 640:6	Compensation for Services
RSA 641:7	Tampering with Public Records or information
RSA 643:1	Official Oppression
RSA 643:2	Misuse of Information
- III. Prohibited activities include violation of any federal, state or local law.
  - a. Prohibited activities include any felonious criminal act, regardless of whether such act was committed while the employee or official, whether elected, appointed or hired, was on duty with the Town.
- IV. Prohibited activities included inducing another to commit an act violative of the law or these canons of ethics.
- V. Prohibited activities include sexual harassment.
- VI. Prohibited activities include any involvement in any matter after termination of employment with the Town in which employees and officials, whether elected, appointed or hired had a personal and substantial involvement while employed.

2. **REPRESENTATION OF PRIVATE INTERESTS BEFORE TOWN AGENCIES**

No employee or official, whether elected, appointed or hired shall appear in behalf of private interests before any Town Board. Officials, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided that the retainer is not for the purpose of appearing before the agency, and provided, further that the compensation, in whole or in part, is not contingent or dependent upon the action of such agency.

3. **REPRESENTATION OF PRIVATE INTERESTS IN LITIGATION**

No employee or officials, whether elected, appointed or hired shall represent private interests in any action or proceeding against the interests of the town in any litigation to which the town is a party.

4. **DUTY TO DISCLOSE**

All employees and officials, whether elected, appointed or hired of the Town of Lincoln shall not participate in the conduct of business on behalf of the town or enter into discussion or deliberation of any matter without first publicly and on the record, stating all:

- Dealings
- Interests
- Relationships
- Friendships
- And possible conflicts

Which may exist between the employee or official, whether elected, appointed or hired, and their family and the principals of the issue under consideration.

5. **DUTY TO RECUSE IN QUASI-JUDICIAL ACTIONS**

A “quasi-judicial action” is any action where a Board or Committee is acting like a judge or jury. For example, when the Board or Committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before the Board or Committee, then it is involved in a quasi-judicial action. The work of the planning and zoning boards is largely quasi-judicial action. Not only do officials, board members and employees of the Town of Lincoln have a duty to recuse themselves as outlined in the section above, they must recuse themselves in a quasi-judicial action if they would not be qualified to sit as a juror in that case. For example, jurors are not qualified to sit in a case if they have advised or assisted either party in a matter being decided, are prejudiced to any degree regarding the pending matter, or believe they cannot for any reason be totally fair and impartial. As a representative of the Town of Lincoln, all employees and officials, whether elected, appointed or hired are expected to hold themselves to this same standard.

6. **CONFLICT OF INTEREST**

In order to assure their independence and impartiality on behalf of the common good, all employees and officials, whether elected, appointed or hired of the Town of Lincoln shall not use their official positions to influence government decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Employees and officials, whether elected, appointed or hired of the Town of Lincoln shall not participate in any matter in which he/she, or a member of his/her family, have a personal interest, which may directly or indirectly affect or influence the performance of his/her duties. In such instances, he/she shall recuse themselves from discussion and decision-making.

Recusal means to remove oneself completely from all further participation in the matter in question.

All employees or officials, whether elected, appointed or hired of the Town of Lincoln who have been recused shall immediately leave the room or seat themselves with the other members of the public who are present. When recused, the employee or official, whether elected, appointed or hired shall not participate in further discussions, unless he/she clearly state for the record that he/she is doing so only as a general member of the public. As a recused person, he/she shall not deliberate or vote on the matter in question.

All employees and officials, whether elected, appointed or hired of the Town of Lincoln shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision-making where conflicts may exist.

7. **GIFTS AND FAVORS**

Officials, board members and employees of the Town of Lincoln shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts (or allow acceptance of such gift by a family member), favors or promises of future benefit which might compromise their independence of judgment or action or give the appearance of being compromised.

Prohibited Conduct shall include knowingly accepting a gift with a value in excess of fifty dollars (\$50.00), or allowing acceptance of such a gift by a family member from any individual, group or corporation knowingly dealing with an area of city government in which the employee or official, whether elected, appointed or hired has an interest or jurisdiction. The foregoing does not apply to gifts from family members.

This provision is not meant to apply to gifts traditionally exchanged between family members—at holidays or birthdays for example.

The prohibition against gifts and favors shall not apply to an occasional non-pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service or any

gift which would have been offered or given to him or her if he or she was not an Official, board member or employee of the Town of Lincoln or unsolicited advertising or promotional items or materials of nominal intrinsic value.

It shall not be a violation for an Official, board member or employee of the Town of Lincoln to accept donations for the expressed purpose of financing a political campaign, provided that such contributions are reported in accordance with all local, state and federal laws pertaining to such donations or services and/or financial value.

The mere purchase of goods or services from a person or business in the ordinary course of that person's or business's retail or service business shall not prevent an Official, board member or employee of the Town of Lincoln from introducing, discussing, approving or voting upon a matter which relates to that person or business.

8. **CONFIDENTIAL INFORMATION**

Officials, board members and employees of the Town of Lincoln shall respect the confidentiality of information concerning the property, personnel or affairs of the town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

9. **USE OF PUBLIC RESOURCES**

Officials, board members and employees of the Town of Lincoln shall not use public resources not available to the public in general, such as town staff time, equipment, supplies or facilities for private gain or personal purposes.

10. **EDUCATION**

I. At the time that an employee or officials, whether elected, appointed or hired takes the oath of office, they shall receive a copy of this code, and acknowledge in writing that they have received a copy of this code.

II. It shall be the responsibility of the Supervisor of any new employee to ensure that the new employee familiarizes themselves with the provisions of this code.

11. **INQUIRIES**

The Board of Selectmen shall establish a mechanism by which employees and officials, whether elected, appointed or hired and residents of the Town of Lincoln may obtain advice and counsel from the committee regarding ethical issues that may arise from time to time. Upon request of an employee or officials, whether elected, appointed or hired, the Board of Selectmen may issue a written advisory opinion in response to such an inquiry. Such written advisory opinions will become permanent amendments to this Code of Ethics as addendum.

12. **DEFINITIONS**

- Board – Any board, committee or commission, permanent or special, established by the Town or the Selectmen under New Hampshire law.
- Complainant – A resident of the Town of Lincoln who has submitted a petition to the Board of Selectmen requesting an inquiry or alleging a violation of the Code of Ethics.
- Conflict of Interest – A situation, circumstance, or financial interest, which has the potential to cause a private or personal interest to interfere with, the proper exercise of a public duty.
- Employee – A person who is paid by the Town of Lincoln for his/her services, but who is not an independent contractor.
- Family – Any person who is related to the employee or official, whether elected, appointed or hired of the Town of Lincoln in one of the following ways: spouse, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the Official, board member or employee of the Town of Lincoln in question, regardless of whether they are related by blood or marriage.
- Interest – Any legal or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or a claim to land.
- Official – Any elected or appointed officer, board member, or agent of the Town of Lincoln.
- Principals – Those people who are the subject of the action or application, which is before the Board.
- Quasi-Judicial Action – Any action where the board, commission or committee has a duty to notify the potential parties, hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.

### 13. **EXCLUSIONS**

The provisions of the Code of Ethics shall not be interpreted so as to bar:

- A. Employees and officials, whether elected, appointed or hired who are residents of the Town of Lincoln from fully participating in any Town Meeting.
- B. Acceptance of donations for the expressed purpose of financing a political campaign provided such contributions are reported in accordance with all local, state and federal laws that pertain to such donations.
- C. Participation in a matter that relates to a person or business from which an employee or official, whether elected, appointed or hired has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business.

- D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and
- E. Supervisors of Town employees from appropriately carrying out personnel policies.

14. ADOPTION

Adopted by the Board of Selectmen on \_\_\_\_\_

\_\_\_\_\_  
Chairman OJ Robinson

\_\_\_\_\_  
Selectman Tamra Ham

\_\_\_\_\_  
Selectman Jayne Ludwig

Adopted:

This \_\_\_\_\_ day of December, 2019

12-16-19

4:15

5:00

11:35

12:36





Christmas

**THE LINCOLN TOWN OFFICES WILL BE  
CLOSED  
ON THE FOLLOWING DAYS:**

**Tuesday, December 24th**  
*Office closes at 12:00pm*

**Wednesday, December 25th**  
*Christmas Holiday*

**Tuesday, December 31<sup>st</sup>**  
*Office closes at 12:00pm*

**Wednesday, January 1<sup>st</sup>**  
*New Year's Day*

***There will NOT be a Board of Selectmen's meeting on Monday,  
December 23, 2019***

